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Forty-eighth session

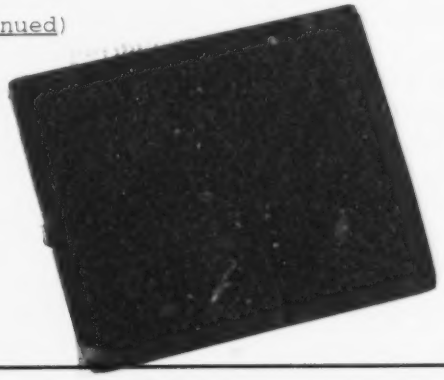
SUMMARY RECORD OF THE 521st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 15 October 1997 at 3 p.m.

Chairman: Mr. SKOGMO (Norway)

CONTENTS

ANNUAL THEME: REPATRIATION CHALLENGES (continued)



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The meeting was called to order at 3.15 p.m.

ANNUAL THEME: REPATRIATION CHALLENGES (agenda item 4) (continued)
(A/AC.96/887)

1. Mr. LIŠKA (Observer for Slovakia) said that his country had had 359 asylum-seekers in 1995 and 415 in 1996 and anticipated 900 in 1997, a number which Slovakia's legal framework and material and technical conditions should be able to handle. The procedure for processing requests for asylum, from the granting of refugee status to integration into society, was fully compatible with the mechanisms used by European Union member States. With the assistance and support of UNHCR, the Slovak Republic had been successful in ensuring refugee protection, which was an indispensable part of its migration policy. For example, between the beginning of 1993 and 30 June 1997, almost 2,500 displaced persons from the former Yugoslavia had been granted temporary protection in centres run by the Migration Office of the Ministry of the Interior or in private facilities throughout the country.

2. Furthermore, the Slovak Republic had been the European country from which the very first group of de facto refugees had been successfully repatriated to their country of origin in early 1996. Those who had not been repatriated had been authorized to extend their stay in accordance with the Slovak Aliens Law and Refugee Law. That encouraging result had been reached through close cooperation between the Ministry of the Interior, the competent authorities of Bosnia and Herzegovina, UNHCR and the International Organization for Migration (IOM); the last two organizations had supported the repatriation process both financially and technically.

3. In that regard, he expressed his deep gratitude to UNHCR for playing an active role in the integration of foreigners with refugee status by financing the reconstruction of facilities for their accommodation, providing grants and assisting non-governmental organizations (NGOs) actively participating in that integration effort.

4. The Slovak Republic was aware of the important role of UNHCR in solving problems associated with the reception of refugees and was endeavouring to create the best possible conditions for that organization's activities. To that end, it would pay the rent for the new UNHCR offices.

5. Mr. ZAHRAN (Observer for Egypt) said that the growing complexity of the problems of refugees and displaced persons throughout the world created an enormous challenge to the international community: providing those people with the necessary protection and care and ensuring their return to their countries of origin and their homes.

6. With regard to the right of refugees and displaced persons to return home, he drew attention to the situation of the Palestinian refugees who had been forced several times between 1947 and 1982 to leave their homes and seek refuge in neighbouring countries. Under General Assembly resolution 194 (III) of 1948, which clearly stated that refugees had a right to return to their country and to receive compensation, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) had been established in order to provide them with the care and services they

needed until they returned home. In view of the financial crisis currently faced by that Agency and its negative effect on the latter's ability to carry out its mandate, he appealed to donor countries to continue to provide UNRWA with the necessary financial and technical support until a lasting solution to the problem had been found. It was also important to ensure the necessary coordination between the activities of UNRWA and UNHCR.

7. The refugee problem in Africa had taken on special dimensions because there were some 9 million refugees on the continent. While there had been efforts to ensure the voluntary repatriation of refugees in Angola, Liberia, Mozambique and some parts of the Horn of Africa over the past few years, increased international and regional efforts were still needed in the Great Lakes region.

8. In the former Yugoslavia, one of the priority areas for UNHCR activities, there had been remarkable improvement in the situation of Bosnian civilians and refugees as a result of international political action. However, the international community must establish the conditions necessary to the repatriation and return to their original homes of Bosnian refugees and displaced persons. That could be achieved only if all parties fully implemented the provisions of the Dayton Peace Agreement and respected the results of local elections and if those accused of having committed crimes against humanity or war crimes were brought to justice as quickly as possible. For its part, Egypt had provided the Bosnians with humanitarian assistance which had been distributed with the help of UNHCR and had participated in the International Forces (IFOR) in order to contribute to the achievement of a peaceful solution to the conflict.

9. The international community - Governments, specialized agencies and NGOs - should cooperate and coordinate efforts to secure international protection for refugees and should work with the High Commissioner to assist countries of asylum, especially developing countries, to host and protect those refugees while providing the necessary services to their own populations. In that regard, he drew attention to the Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, which was an example of a practical approach to the specific problems of Africa, and to the Cairo Declaration on the Protection of Refugees and Displaced Persons in the Arab World, which had been adopted in 1994 by a group of Arab experts in cooperation with the International Institute of Humanitarian Law.

10. Lastly, he said he considered the actions which had driven refugees from their camps to be unacceptable and expressed regret for the incidents which had led to the death of humanitarian workers.

11. Mr. NSANZE (Observer for Burundi) said that, under the primary applicable international instruments, certain conditions were inherent to the status of all genuine refugees and that refugees were required to refrain from acts of violence against their countries of origin. In view of the current situation in Burundi, that country, in accordance with article 1 (F) of the 1951 Convention relating to the status of refugees, was not applying the provisions of that Convention to any person with respect to whom there were serious reasons for considering that he had committed a crime against the

peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes; that he had committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee; or that he was guilty of acts contrary to the purposes and principles of the United Nations. The well-founded nature of those provisions had been confirmed by the OAU Refugee Convention of 1969, which urged signatory States to order the refugees whom they hosted to refrain scrupulously from any attack against any member State of the Organization which took the form of activities that might provoke tension between States, whether in the form of armed action or through the press or broadcast media. Unfortunately, the legal principles and international instruments which governed the obligations of host countries and refugees were more often ignored than applied.

12. Many of the notorious criminals responsible for the massive killings in Burundi had hidden among the thousands of Burundians who had fled the periodic international tragedies and had been accepted and protected by neighbouring countries; however, nothing had been done to separate genuine refugees from the escaped criminals who had subsequently launched attacks against Burundi.

13. Genocide had taken place in 1994 with the full knowledge of the international community and in the presence of the United Nations Assistance Mission in Rwanda (UNAMIR), which had been first forced into immobility and later called on to evacuate the country instead of rescuing a people doomed to destruction. The refugee camps, which had been infiltrated by murderers, had degenerated into arsenals and the international community had capitulated to the point of allowing funds and assistance intended for genuine refugees to be seized by the aggressors.

14. Despite the recent stormy exchange of threats and accusations between the Burundian and Tanzanian Governments, which had damaged a relationship formerly characterized by peace and cordiality, it was to be hoped that political realism would prevail and that peace, security and stability would be reestablished throughout the Great Lakes region through genuine solidarity and cooperation between the United Republic of Tanzania and Burundi. The Tanzanian Government had the means to prevent armed aggression against Burundi. The nearness of the refugee camps to the Burundian border was the primary cause of attacks on Burundi and, consequently, of friction between the two countries. By moving the refugee camps, which functioned as a haven for the aggressors, to more distant regions, the United Republic of Tanzania would eliminate the danger from those elements.

15. With regard to practical measures for preventing all forms of violence, the Burundian Government proposed that obligations assumed under the international refugee conventions should be strictly respected and applied, that the Technical Working Group established by the Tripartite Agreement between Burundi, Tanzania and UNHCR should be reactivated in order to encourage voluntary repatriation, that refugees who did not wish to return to Burundi should be moved to a site at least 150 km from the border, that Burundian refugees should be disarmed and prohibited from engaging in any political activity in Tanzania and that a group of neutral observers should be established in order to verify incursions from the United Republic of Tanzania and to monitor the border with Burundi.

16. With regard to the question of voluntary repatriation, Burundi had always encouraged the return of its nationals and appealed to them to come home. The only conditions which it imposed both on candidates for repatriation and on individuals who had already been repatriated were disarmament and its necessary corollary, peaceful behaviour, which were in full conformity with international instruments and the objectives of UNHCR. Tens of thousands of refugees had returned to Burundi during the past 12 months, despite the crushing weight of the economic embargo imposed on the country. In that regard, he urged the United Nations and the international community as a whole to contribute to the achievement of two essential goals: the provision of major financial and economic assistance in order to make possible the reintegration and resettlement of the thousands of refugees who had already arrived in the country or would soon do so, and the urgent lifting of the embargo with its excessive social, economic and political consequences.

17. Ms. SHARIPOVA (Observer for Tajikistan) said that the Commission of National Reconciliation, created under United Nations auspices, had begun its work, one of the most important aspects of which was to ensure the safe, dignified and voluntary repatriation of Tajik refugees and their reintegration into the political and social life of Tajikistan. The signing of the Peace Agreement had made it possible to create conditions conducive to the repatriation of Tajik refugees from Afghanistan. Unfortunately, the 7,000 refugees who had returned to the country were still living in the open air because their houses had been destroyed, burned or looted. The Tajik Government therefore welcomed the High Commissioner's decision to assist in the reconstruction of 4,500 houses and urged her to speed up the reconstruction programme so that it could be completed before the beginning of winter.

18. Despite the difficult economic situation, the Tajik Government had taken several measures to assist refugees who had returned to the country. For example, employed refugees were considered to have served without interruption and received three months' salary upon arrival. Travel expenses were reimbursed and illegally occupied houses were immediately returned to the refugees who owned them. Furthermore, each family of refugees received a special 20-year loan of about 100,000 Tajik roubles.

19. As part of that process of social rehabilitation, the Government not only had to rebuild over 12,000 destroyed houses, but also had to confront the consequences of the war, which affected nearly a third of the total population. Without international assistance, the Government could not solve the complex problems associated with the repatriation, reintegration and social protection of refugees. He therefore requested the launching of a joint United Nations assistance programme in Tajikistan for 1997-1998. Tajikistan greatly needed assistance from UNHCR, particularly since increased military activity in Afghanistan might give rise to large-scale, catastrophic refugee movements.

20. It was time to send a group of experts to Tajikistan in order to evaluate the situation and to develop projects with the following goals: reconstruction of the houses of returnees, provision of food, medical supplies and clothes for refugees, reconstruction and expansion of reception and monitoring centres, rebuilding of roads and bridges used by convoys of

refugees and provision of modern equipment to the Migration Services and the Commission of National Reconciliation. The United Nations should also create a special trust fund to assist refugees, displaced persons and the most vulnerable groups of the Tajik population. When the political situation had stabilized, it would be time to move from humanitarian assistance to promotion of the country's economic development.

21. Mr. NDIAYE (Observer for Senegal) said that the theme of the current session, "repatriation challenges", was timely because conflict resolution, voluntary repatriation and resettlement assistance might long have remained parallel activities if a number of events and situations had not demonstrated the close links between them. At present, it was widely recognized that the protection and assistance provided to refugees must not stop when they crossed the borders of their countries of origin. All possibility of reconciliation would be compromised unless that return was accompanied by a genuine programme of reintegration assistance. Unfortunately, neither conflict resolution nor sustainable development programmes fell within the mandate of UNHCR; they were handled by other institutions, which usually did not have the same priorities as those of humanitarian agencies.

22. There were many challenges. While it was true that States had the primary responsibility to protect their citizens and guarantee their safety, the important responsibility for international protection lay with the international community in cases where States were weakened or non-existent. However, it must be recognized that in the harsh reality of the current situation, most parties were unable to carry out their missions as they would have liked to do. Only in rare cases was UNHCR able to anticipate, plan and organize the large-scale repatriation of refugees, monitor their integration and negotiate and monitor the proper implementation of agreements with countries of origin. On the contrary, UNHCR was usually faced with spontaneous refugee movements which were the cause of the many problems that characterized the present humanitarian situation.

23. His delegation considered that repatriation challenges required a comprehensive, integrated response to all problems on the part of the international community. First, methods of conflict prevention and resolution must be improved, since, although humanitarian action must not be politicized, there was a need for greater cooperation between humanitarian agencies and political bodies. Secondly, it was essential to ensure the safety of returnees in their countries of origin, which would entail, above all, respect for the guarantees which had made repatriation possible.

24. The United Nations development agencies and UNHCR should coordinate their efforts to ensure continuity between immediate assistance and adequate management of individual situations with the ultimate goal of ensuring sustainable development. In that regard, he noted that, at the eighth meeting of the Standing Committee, Senegal had urged that the quick impact projects, which had been begun several years previously in order to assist in the reintegration into their countries of thousands of Latin American refugees, should be extended to Africa.

25. Every large-scale repatriation situation called for the coordination of activities in the fields of the environment, food security, health and job

creation. As the only universal humanitarian assistance agency, UNHCR should make greater efforts to ensure a general culture of cooperation and coordination in the areas of repatriation and social reintegration assistance.

26. Mr. GUBB (Observer for New Zealand) said that the choice of annual theme, "repatriation challenges", was a timely one because voluntary return in dignity and security was the most desired of durable solutions to the refugee problem. He applauded UNHCR's success in facilitating a substantial increase in the number of repatriations, even though that reflected the disturbing and unprecedented scale of the UNHCR refugee case load in recent years. New Zealand wished to pay particular tribute to the staff of UNHCR, which had successfully coped with one of the greatest repatriation challenges in history, that of the refugees dispersed throughout the Great Lakes region, with courage and determination.

27. However, recent developments in that region, particularly the forced repatriation of Rwandan refugees from the Democratic Republic of the Congo and the suspension of UNHCR operations, were very disturbing. New Zealand supported the High Commissioner's decision to suspend activities and deeply regretted the violation of international humanitarian principles that had led to it. While his delegation recognized the heavy burden placed on the countries of the region which were hosting Rwandan refugees, it urged the Governments of those countries to give UNHCR their full support so that the refugees could be protected, nourished and ultimately repatriated in a safe and orderly fashion.

28. Repatriation challenges did not end with the disembarkation of refugees in their countries of origin. Increasingly, UNHCR had been obliged to provide further assistance to refugees, since economic, social and legal reconstruction was critical to their effective integration. New Zealand had demonstrated its own commitment to what might be termed "repatriation aftercare" by providing funding for NGO projects in the Great Lakes region and welcomed the attention given by UNHCR to improving interagency coordination in that important field.

29. Mr. MUTISO (Observer for Kenya) said that the choice of theme for the current session, "repatriation challenges", could not have been more appropriate. At present, the greatest of those challenges was that of diminishing resources as a result of donor fatigue. Poor developing countries, which hosted hundreds of thousands of refugees, had contributed enormously, both materially and morally, to the humanitarian cause. However, the decrease in donor assistance had obliged those countries to carry out their obligations with limited resources, which invariably led to competition between refugees and the local population.

30. Most countries of asylum, including Kenya, were developing countries with their own problems such as persistent droughts and fast-growing populations. It was therefore difficult for them to request assistance for their own nationals or for refugees. The result was a serious security problem, primarily as a result of armed refugees in the camps. For that reason, countries of asylum might be obliged to resort to forced repatriation even when the situation in the country of origin had not improved.

31. It was important not to be too quick to condemn countries which, as a result of internal and external problems, had asked refugees to leave their territory. Rather, it was important to consider why such actions were becoming increasingly common. The international community had failed to see the serious problems with which host countries were faced, which included insecurity, environmental deterioration and competition for scarce resources.

32. Kenya encouraged voluntary repatriation, which remained the best durable solution, provided that it was accompanied by reintegration programmes and that situations conducive to the return of refugees were created in countries of origin. Only about 180,000 of the 500,000 refugees which Kenya had hosted in the early 1990s remained. The others had been voluntarily repatriated, resettled to third countries or integrated locally. In that regard, Kenya advocated a regional approach to the search for lasting solutions to the plight of refugees, particularly through the Intergovernmental Authority on Development (IGAD), whose efforts had begun to bear fruit and should be supported by the international community. With regard to the Kenyan refugees in Ethiopia, consultations between the two countries had begun and preparations for repatriation were at an advanced stage.

33. The Government of Kenya, which continued to grant refugee status to all qualified applicants, reaffirmed its commitment to finding a lasting solution to the refugee problem in Africa and throughout the world. He paid tribute to the High Commissioner and her staff, who were working with great devotion under very difficult circumstances. Lastly, he thanked the Governments which had, in a spirit of burden sharing, permitted the resettlement in their countries of thousands of refugees from Kenya.

34. Ms. KUPCHYNA (Observer for Belarus) said that she welcomed the choice of theme for the current session and noted with satisfaction that there had been a decline in mass movements of refugees, particularly in Africa. It was therefore time for UNHCR to focus on the search for durable solutions, but without prejudice to the institution of asylum. Her delegation considered that only voluntary repatriation under conditions of dignity and safety could ensure a truly durable solution.

35. However, current refugee situations showed that there was sometimes no alternative to asylum. It was therefore important that Governments should, in accordance with their international obligations, grant asylum and respect in practice the principle of non-refoulement. It would be desirable for UNHCR to play a more active role in reintegration and rehabilitation activities on the basis of a comprehensive and preventive approach which would require closer coordination and cooperation with a wide range of international partners. In that regard, she welcomed the cooperation between UNHCR and the Office of the High Commissioner for Human Rights.

36. Her delegation had been pleased by Mrs. Ogata's statement that, despite funding constraints, UNHCR remained committed to the process of follow-up to the Regional Conference to Address the Problem of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States. She commended the efforts of UNHCR, in cooperation with IOM, to translate the programme of action adopted by that Conference into programmes to meet the

needs and priorities of each country in the Commonwealth of Independent States (CIS) and to mobilize the necessary funding. The implementation of that programme was a top priority for the Government of Belarus, which had taken a number of important measures to strengthen the institutional framework for migration and displacement problems. In 1997, Belarus had started to implement procedures for the determination of refugee status and the granting of asylum. Her Government recognized the importance of wide acceptance and observance of the 1951 Convention and its 1967 Protocol and was considering the possibility of acceding to those international instruments.

37. Mr. TANDAR (Observer for Afghanistan) said that the necessary conditions for the return of refugees did not depend only on countries of origin. Certain asylum countries made use of the refugees in their territory to create or maintain instability in countries of origin. Refugee camps were then sources for the recruitment of militia and host countries openly served as staging points for those militia, whose members acted with impunity. Religious schools were thus transformed into genuine military training centres and students who should have been in the mosques were driving tanks and fighting on battlefields. In such situations, there could be no voluntary return of refugees with dignity.

38. Afghanistan had the largest number of refugees of any country in the world. Between 1992, when the Soviet troops had left and the resistance had come to power, and 1995, 3,300,000 refugees had returned to that country. The number of refugees had stabilized at 2.7 million in 1995 and there had been no major change since then. At that time, a flood of intolerance, extremism and increased foreign interference inspired by the movement named for the Taliban or divinity students had swept over Afghanistan. That movement, which fed on war, carried out inquisitions, imposed dictatorship and oppression and deprived women of the right to existence could offer the country only a future of ignorance, obscurantism, illiteracy, underdevelopment and foreign domination. It was the international community's duty to refuse to tolerate the actions of that fanatical movement under any circumstances.

39. In a country such as Afghanistan, which was still suffering from the direct and indirect effects of an externally imposed war, the repatriation of refugees was possible only if a number of minimum conditions were met: demining operations must be pursued and accelerated, infrastructures must be restored and rebuilt and, in order to prevent overconcentration of the population in urban centres, which would be a source of future problems, irrigation canals, primary health-care centres and schools damaged by war must be rebuilt. His delegation expressed its appreciation to UNHCR for its activities in those areas and called for increased coordination of the activities of the different United Nations agencies.

40. However, it must not be forgotten that a number of political conditions, first among them the end of military action, must be met before the repatriation of refugees would be possible. To that end, outside interference, the primary cause of the conflict, must cease immediately. No compromise on that issue was possible if the dignity of individuals and respect for human rights law and principles were to be preserved. Everything possible should be done to increase the participation of women in national reconciliation and reconstruction.

41. However, political issues lay outside the scope of UNHCR. Therefore, the international community as a whole must take vigorous action to restore peace in Afghanistan. His Government wholeheartedly supported the initiatives taken by the United Nations Secretary-General in that regard.

42. The High Commissioner had expressed concern about the 7,000 Tajik refugees located at the Sakhi camp in northern Afghanistan; he was pleased to announce that, since the defeat of the Taliban in the north, there was no longer any barrier to the repatriation of those refugees. The Afghan authorities assured UNHCR of their full cooperation in that regard.

43. Mr. BUNDAUDA PHIRI (Observer for Malawi) said his country was currently hosting a small number of refugees from Somalia, Rwanda, Burundi and the Democratic Republic of the Congo. They could be voluntarily repatriated only through cooperation between the host country, the country of origin and the refugees themselves. Only a few Rwandan refugees had decided to return to Rwanda voluntarily. Those who had not wanted to do so were still recognized as refugees in Malawi and remained there legally. His Government appreciated all the correspondence which it had received from Amnesty International and other human rights organizations throughout the world concerning the Rwandans who had repatriated from Malawi. He assured those organizations and the Executive Committee that those refugees had not been forced to return to their country, but had freely exercised their right to return. He was convinced that, since the Rwandan Government had informed Malawi of its willingness to receive them, their repatriation had taken place under conditions of safety and dignity. He thanked UNHCR for having facilitated that small exercise.

44. However, his delegation drew attention to the double-edged practices of some NGOs which seemed to have special interests that went beyond protection, care and maintenance. The repatriation of Rwandan refugees would have been more successful had it not been for the interference, not the assistance, of some NGOs. Prior to the beginning of the exercise, a disturbance had resulted from the leakage of information about the repatriation and had caused hundreds of refugees to flee from the camp in question. It was most unfortunate that that leakage had originated in Geneva, where an NGO had sent information by fax to refugees in Malawi who had, in turn communicated it to the groups in question.

45. A refugee could not remain a refugee forever. Unfortunately, repatriation often brought new problems. Returning refugees found their homes destroyed and food supplies inadequate and must also face new dangers such as landmines and even additional atrocities. His delegation therefore urged the Executive Committee to explore further its mandate with regard to the repatriation of refugees. Reintegration must take place under acceptable conditions if voluntary repatriation was not to lose all meaning as a durable solution. Since the reintegration process was less an emergency issue than it was a development activity, it required the cooperation of the donor community and NGOs.

46. To repatriate refugees only to subject them to death or maiming from landmines was to condemn them to perpetual punishment. His delegation had heard that the presence of landmines in areas of return in certain countries of origin was a source of concern. But it was natural for people to seek to

return to their places of origin, even if other areas would be safer. His delegation believed that a separate programme should be established to ensure that safety from landmines was guaranteed in areas of return. While efforts had already been made in that regard, they were not enough.

47. During refugees' stay in countries of asylum, they amassed property or wealth which should be taken into consideration during repatriation as it was their only hope of survival. Countries of asylum should ensure that nothing prevented refugees from carrying their property with them during repatriation.

48. Recently, various human rights organizations had failed to support certain repatriation exercises, accusing Governments of forcibly repatriating refugees. Those organizations ignored the fact that consultations with various players had taken place during those exercises so that their true circumstances were well known and championed human rights by embarking on futile campaigns of castigation of Governments carrying out voluntary repatriation programmes. It seemed that, even though the relevant instruments and protocols had been signed and most countries upheld and respected the provisions thereof, a lack of trust still prevailed in refugee-related matters. His delegation had the strong feeling that host countries had no desire to send refugees deliberately into situations of conflict. Repatriation should be a smooth and welcome activity carried out with the cooperation of UNHCR and in consultation with the refugees and the country of origin.

49. Mr. N'GORAN TECKLY (Observer for Côte d'Ivoire) said that, as promised at the forty-seventh session of the Executive Committee, his country was in the process of ratifying the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and of adopting a national refugee act. With regard to the issuing of identity card to refugees, he said that Côte d'Ivoire was not certain whether such a project was appropriate, at least at present, but that it had decided to issue identity cards to refugees who decided to remain in Côte d'Ivoire after the end of the repatriation exercise which had just begun.

50. In close cooperation with UNHCR, Côte d'Ivoire had undertaken a major programme to register Liberian refugees in the reception area where they were gathered. That project had shown a major drop of almost 48 per cent in the originally estimated number of refugees, something that could be explained by the fact that many Liberians had left the area to return to Liberia or to settle in Côte d'Ivoire's major cities or had refused registration for various reasons (fear of refoulement, lack of material incentive or religious, security or psychological reasons). Nevertheless, 160,000 Liberian refugees had agreed to registration.

51. Côte d'Ivoire was fully committed to respecting scrupulously the terms of the agreement on the voluntary repatriation of Liberian refugees. The remaining refugees would be given full protection so long as they were not subject to the cessation clauses in the relevant conventions.

52. Consideration of the theme of repatriation challenges provided an opportunity to make proposals for improving repatriation, which was the ultimate solution. Recent events had shown that repatriation was not always

voluntary. It was not uncommon that, for political, economic or security reasons, countries of asylum called into question their generous immigration policies. Furthermore, refugee assistance depended on the length of the period of asylum. While refugees were flooded with assistance in the beginning, that assistance decreased gradually over time and eventually disappeared. Whatever their degree of integration, refugees were always considered to be foreigners who, as such, had only limited access to the resources of the asylum country. Rightly or wrongly, they were sometimes viewed as privileged residents in developing countries in crisis, where their presence was burdensome. In addition, the refugee population included criminals, soldiers and economic migrants carrying out illegal activities. The combination of those problems too often led to tragic situations where countries of asylum might be tempted to repatriate refugees forcibly to their countries of origin. It had been proposed to remedy that situation through burden sharing, but that expression must be defined. It might be wondered whether it meant that burdens should be shared between countries and UNHCR as the international community's representative in matters related to refugees, with UNHCR as coordinator of assistance to refugees, or with the international community, including UNHCR, donor countries, other agencies of the United Nations system and development agencies.

53. Côte d'Ivoire considered that burden sharing concerned not only UNHCR and the other agencies of the United Nations system, but also rich countries and development agencies, since the causes of refugee situations were often associated with development problems. Joint efforts by all partners to find a solution to security and development problems in the various areas that hosted refugees could offer a new approach to refugee assistance policy, strengthen the institution of asylum and reduce the likelihood of forced repatriation as a result of internal problems in countries of asylum. It was also essential that assistance programmes should be more carefully managed.

54. Conditions in countries of origin, as well as those in countries of asylum, could compromise the success of repatriation efforts and therefore of international protection. Those conditions were all the more important when repatriation took place after a conflict. Strengthened peace and reconciliation and the re-establishment and rebuilding of infrastructures were signs of successful repatriation. But the real problem was that of the funds available to UNHCR in its efforts to evaluate conditions and to determine the right moment for repatriation.

55. In countries where infrastructures had been destroyed and the State presence was partial or non-existent, Côte d'Ivoire considered that a case-by-case approach should be given further consideration. In many cases, UNHCR had no other choice than to organize repatriation. In such cases, all partners must participate in the preparation for, and implementation of, plans for repatriation. The country of asylum would thus be informed and aware of the situation in the country of origin, the latter would commit itself to strengthening peace and reconciliation and donors would help to set up programmes for the reintegration of refugees and displaced persons and, at the same time, for the comprehensive reconstruction of the country of origin.

56. In that regard, he welcomed the signing of agreements between UNHCR and other agencies. In many cases, as soon as conflicts were over or elections

were held, international assistance to countries of asylum ended without being totally transferred to the country of origin. That abrupt end to refugee assistance in countries of asylum, without regard for conditions of reception in countries of origin, posed a problem. It led refugees to choose repatriation solely for the benefits that it offered, only to return immediately to the country of asylum. Those people, who were in reality migrants, were a threat to the protection of refugees who, for other reasons, had chosen not to return to their countries of origin. A gradual, targeted end to assistance programmes could strengthen the voluntary nature of repatriation and the protection of remaining refugees in the country of asylum.

57. Côte d'Ivoire welcomed the improvement in the situation in Liberia and was pleased at the holding of fair, transparent elections there. However, those elections alone did not provide a solution to the country's problems. The Government of Côte d'Ivoire would therefore continue to follow with great interest developments in the situation in that country and in Sierra Leone, many of whose nationals had taken refuge in Côte d'Ivoire. He thanked the donors and multilateral agencies which had supported Côte d'Ivoire in its hosting of refugees and invited them to help the country formulate a policy for development and environmental rehabilitation throughout the reception area, which had been seriously affected by over eight years of habitation by great numbers of Liberian refugees. He was pleased by the fruitful cooperation between UNHCR and Côte d'Ivoire, which justified the latter's deep commitment to the success of the repatriation plan for Liberian refugees, as well as the decision to open a UNHCR office in Abidjan in order to coordinate that important operation.

58. Ms. BU (Observer for Honduras) said that, although her country had offered asylum to many political refugees in the past, only a small number of refugees currently remained in the country thanks to the Honduran Government's policies of integration and of promotion and respect for human rights, programmes carried out jointly with other Central American countries, the cooperation of the international community and NGOs and the ongoing support of UNHCR.

59. Honduras considered that all Governments must endeavour to encourage the integration of refugees, internally displaced persons and local populations living near the camps. Since refugees received substantial assistance from the international community, it was important to provide the local population with comparable living conditions. Moreover, there were two categories of refugees: those who were recognized as such, who were under government control and received humanitarian assistance, particularly from UNHCR, and those who were illegally present in the country and had not been registered there. Honduras supported organized repatriation with the active support of UNHCR, which was responsible for ensuring the voluntary nature of the return.

60. The Honduran Government welcomed the repatriation activities undertaken in its region, particularly the repatriation from Mexico of Guatemalan refugees. It also welcomed the efforts of UNHCR, particularly in the area of voluntary repatriation, which were consistent with respect for the human rights of refugees.

61. Mr. PAULINICH (Observer for Peru) said that the annual theme of the current session accurately reflected the current situation of the international community. His delegation agreed that, provided that certain conditions were respected, repatriation was the most appropriate solution. Repatriation, including that of internally displaced persons, must be voluntary and must take place under conditions of safety and dignity. With the help of the communities concerned, Peru was currently in the process of ensuring the resettlement of nearly 600,000 people who had been internally displaced after the violence caused by subversive activity during the 1980s. It was also important for States to undertake to respect one of the basic principles of international humanitarian law, that of non-refoulement.

62. As Mrs. Robinson, High Commissioner for Human Rights, had emphasized in her statement before the Executive Committee, it was important to deal with the causes of refugee movements, and of population displacement in general, in order not only to solve those problems, but also to prevent them. From the economic point of view, it was better to invest in development assistance than in the maintenance of refugee camps. In that regard, his delegation supported the representative of Colombia's request, at the ninth meeting of the Standing Committee, that UNHCR should participate financially and technically in the prevention of additional population displacements in Colombia. Furthermore, since humanitarian assistance was only a temporary solution, his Government considered that increased efforts should be made to strengthen national capacities with the active cooperation of United Nations agencies.

63. Lastly, his delegation congratulated El Salvador on its achievements in the area of repatriation and noted with satisfaction the close cooperation between the Mexican and Guatemalan Governments and UNHCR and their progress in repatriating displaced Guatemalans.

64. Mr. ANTONIO (Organization of African Unity (OAU)) said that OAU was pleased by the choice of annual theme because it viewed voluntary repatriation as the ideal solution to the refugee problem in Africa. However, repatriation should be voluntary in nature and the countries concerned should assure refugees that they would be favourably received and would be able to resume normal lives without fear of punishment for having left their countries, help them if they wished to return to their homes, facilitate their reintegration into their countries of origin and, lastly, grant a general amnesty to those who were afraid to return to their countries on account of persecution on political grounds and guarantee their reintegration and restoration of their rights. During voluntary repatriation operations, countries of origin, countries of asylum, OAU and UNHCR should be guided by the provisions of the 1951 Convention and its 1967 Protocol and those of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.

65. With regard to the situation in the Great Lakes region, OAU believed that it was important to screen refugees through cooperation between countries of asylum and countries of origin in order to determine their status. The right to non-refoulement and to protection should be respected by all parties concerned. On the other hand, refugees should not be allowed to engage in political or other activities not commensurate with their status.

66. Since countries of asylum could not continue to shoulder the burden of refugees alone without the assistance of the international community, he urged UNHCR to re-examine the question of burden sharing and to make proposals for increasing financial and material support to African countries.

67. OAU, for its part, would continue to address the root causes of the problem of refugees and displaced persons in an attempt to assist in the search for lasting solutions. In the meantime, the OAU Commission of Twenty on refugees would continue to undertake fact-finding missions to some of the OAU member States affected by that problem in order to acquaint itself with realities in the field. The Commission had also begun the implementation of its programme of action for 1997-1998, which had been adopted in July 1996. The Commission of Twenty would organize a meeting at the ministerial level during the first quarter of 1998.

68. In order to address the problem of refugees and displaced persons appropriately, it was important to support the process of post-conflict recovery in countries of origin, to examine the root causes of population movements and cycles of conflict and to increase international assistance to Africa so that it could respond more effectively in the future. Lastly, OAU remained willing to work closely with UNHCR and other humanitarian agencies in the search for durable solutions to the problem of refugees and displaced persons on the African continent, where they were most numerous.

69. Mr. COS (European Commission) drew attention to some statistics concerning the financing by the European Union and its member States of work carried out by UNHCR on behalf of the international community (382 million ecus in 1996, of which the European Community Humanitarian Office alone had received 113 million); those statistics illustrated the interdependence which had developed between UNHCR and the European Union in the field of international humanitarian relief and the mutual confidence which had grown between them.

70. That relationship had not always been an easy one, since the European Commission had sometimes been criticized by other European humanitarian organizations for being too heavily committed to UNHCR. The Commission had made that decision, after sober consideration, because the succession of humanitarian crises in various parts of the world required choices and because it wished to support UNHCR cooperation efforts.

71. Over the past few months, the European Community Humanitarian Office had been involved in a dialogue with its partners concerning the renewal of the framework partnership agreement which governed the working relationship among them. That new agreement would be the basis for cooperation in years to come; it was more simple and flexible, yet preserved adequate levels of responsibility and control. Over the past three or four years, the Office had also developed plans to improve its programming of intervention during prolonged humanitarian crises; UNHCR had been of great assistance in the conception and implementation of those plans.

72. The European Union must increase its efforts to promote greater morality in foreign policy, including the refusal to accept gross violations of humanitarian law and the taking of action against those who deliberately made

humanitarian workers into human targets. In years to come, the European Commission looked forward to joining UNHCR and other international humanitarian agencies in their efforts to promote better coordination and to achieve progressive improvement in the quality of humanitarian aid.

73. Mr. DECAZES (Sovereign Military Order of Malta) said that the Sovereign Military Order of Malta welcomed the choice of repatriation challenges as the annual theme of the current session because it was an issue which, unfortunately, concerned many regions. He described some of the Order's activities in that field.

74. Generally speaking, the emergency assistance provided by the Order in the Great Lakes region, particularly with regard to the repatriation of Rwandan refugees from South Kivu, had continually focused on reconstruction and development (rebuilding of the social infrastructures of communities in South Kivu). Furthermore, UNHCR had entrusted the Emergency Corps of the Order of Malta with the task of ensuring the repatriation of 70,000 refugees from the former Zaire from the United Republic of Tanzania to the Democratic Republic of the Congo. In Europe, the Order had provided humanitarian assistance to the former Yugoslavia since 1994 and was currently assisting returnees and displaced persons in northern Bosnia through a number of emergency projects. The Order's German Association had signed an agreement with UNHCR on the Order's participation in the Bosnian Women's Initiative, which the Order's members hoped would not only help war-affected women to rebuild their lives, but would also contribute to reconciliation in Bosnia. The Order's assistance to refugees in Asia had been primarily medical in nature. After taking part in the major operation to repatriate Cambodian refugees in 1990 and 1991, the Order had recently been called upon to provide medical assistance to the 40,000 Cambodians who had fled to Thailand following renewed unrest in their country. It was also continuing its medical emergency project for Karen refugees along the border between Thailand and Burma.

75. The Sovereign Military Order of Malta was deeply concerned at the terrible risks encountered by many returnees to countries that had been littered with anti-personnel landmines, which posed a serious threat to their safety and that of humanitarian workers in the field. It would continue, through its humanitarian activities, to promote respect for human rights and humanitarian principles. He also paid tribute to Mrs. Ogata and her staff for their commitment to fulfilment of their mandate and said he looked forward to strengthening the Order's successful cooperation with the Office of the High Commissioner for Refugees.

76. Mr. MALAMBUGI (United Republic of Tanzania), speaking in exercise of the right of reply, said that his Government had once again been the target of a gratuitous attack by the Observer for Burundi merely because it had offered sanctuary to Burundian citizens. He informed the Executive Committee that, even as he spoke, the United Republic of Tanzania was receiving an average of 50 Burundian refugees per day. For that reason, it was not contemplating repatriating those refugees, for the moment.

77. However, since the determination and evaluation of security conditions in Burundi fell within the sovereignty of the Burundian authorities and since it was true that the military junta was prepared to accept the return of its

citizens, the Government of Tanzania would be only too happy to discuss, together with UNHCR, modalities for reactivation of the tripartite agreement signed in 1992 between the United Republic of Tanzania, Burundi and UNHCR concerning the return of refugees to Burundi.

78. The Tanzanian Government reminded the delegation of Burundi that the decision to locate the camps close to the border had been intended primarily to facilitate return. If it was true that Burundi wanted its citizens to repatriate, the question of relocating the camps did not arise.

79. With regard to the militarization of the camps, he reminded the Burundian delegation that, if it had listened to his own delegation's statement, it would have learned that a joint inspection of the refugee camps by the United Republic of Tanzania and UNHCR, an impartial body, had found no evidence of militarization. Those false allegations were therefore merely an attempt to hoodwink the international community.

80. Lastly, with regard to the sanctions imposed on Burundi by neighbouring countries - not by Tanzania alone - his delegation had welcomed the Observer for the Burundian military junta's statement that those sanctions were effective and painful. That was why they had been imposed in the first place. In any case, his delegation considered that the Executive Committee was not the proper forum for raising such matters, which should be discussed at the Meeting of Heads of State, under the Arusha Peace Agreement, to which even the Government of Burundi had been invited, although, to the best of his knowledge, it had attended only once.

The meeting rose at 6.10 p.m.